

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JAMES LEIGHTY, et al.,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	No. 3:19-cv-2615-L (BT)
	§	
STONE TRUCK LINE INC., et al.,	§	
	§	
Defendants.	§	

**ORDER**

Defendants Stone Truck Line, Inc. and Jarmanjit Singh have filed a Motion to Transfer Venue under 28 U.S.C. § 1404(a). (ECF No. 6). The Motion, which seeks to transfer the case from the Dallas Division of the Northern District of Texas to the Amarillo Division of the Northern District of Texas, represents that this case involves a fatal motor-vehicle accident that occurred on Interstate 40 in Shamrock, Texas. Shamrock, Texas is located in Wheeler County, which is in the Amarillo Division of the Northern District of Texas. 28 U.S.C. § 124(a)(5). The Motion further represents that none of the parties reside in or near Dallas, Texas. To the contrary, Plaintiffs, the surviving children of Robert Leighty, who died in the accident in Wheeler County, allege that they reside in Marion County and Morrow County, Ohio, and Defendants are located in, or reside in, Fresno, California. *See* Compl. 1-2, ¶¶ 1-5 (ECF No. 1). In view of these facts, Defendants assert that the Dallas Division of the Northern District of Texas has no connection to the acts that

form the basis of Plaintiffs' claims, and no legitimate interest in the resolution of those claims. However, the Amarillo Division of the Northern District of Texas has a local interest in this case and would be a more convenient forum to the witnesses and the parties. Therefore, Defendants argue that transferring this case to the Amarillo Division would be in the interest of justice.

The Certificate of Conference states that the Motion is opposed. Accordingly, Plaintiffs are ORDERED to file a written response to the Motion no later than **December 16, 2019**. Plaintiffs' response must address each of the public and private interest factors that inform the Court's discretion in deciding whether to order a transfer under 28 U.S.C. § 1404(a), *see In re Volkswagen of Am., Inc.*, 545 F.3d 304, 315 (5th Cir. 2008) (en banc), and, if possible, explain why the Court should not order the requested transfer in view of the decision in *In re Radmax, Ltd.*, 720 F.3d 285, 290 (5th Cir. 2013) (per curiam). Defendants may file a reply by **December 30, 2019**. The Court will hold a hearing on the Motion on **Friday, January 3, 2020 at 2:00 p.m.** in Judge Rutherford's courtroom on the 13th floor of the Earle Cabell Federal Building and Courthouse, 1100 Commerce Street, Dallas, Texas 75242.

**SO ORDERED.**

November 26, 2019.



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REBECCA RUTHERFORD  
UNITED STATES MAGISTRATE JUDGE